

Message

From: Kevin Murphy [KMurphy@WladisLawFirm.com]
Sent: 7/7/2016 8:55:11 PM
To: Ludmer, Margo [ludmer.margo@epa.gov]
Subject: RE: LLC AOC [ES-LEGAL.FID1587432] -- Timing of Final AOC Execution

Margo,

Yes, the County Legislature approved the AOC on the 5th. The Town was not on our weekly conference call, but my understanding is that the Town has not yet approved the AOC but is meeting to do so early next week.

Regarding the delivery of signature pages, the PRPs are intending to provide you with a single e-mail transmission no later than next Friday, July 15, 2016 that will provide you with a PDF copy of each of the executed signature pages. If required, the original signature pages will follow under separate cover. Please confirm the above approach is acceptable and whether you even need the original hard copy signature pages. If yes on the hard copies, please provide me with your overnight delivery address. Lastly, if EPA needs hard copies is it acceptable for each PRP to forward their signature page directly to you?

Lastly, the PRPs obligations are triggered by receipt of EPA's countersigned AOC. Thus, we are trying to coordinate and internally schedule SOW/PDI obligations with Arcadis. Can you tell me when we can *expect* to receive back the EPA-executed AOC. Is there any possibility it will be as soon as Monday, July 18? If not, is July 31 a more realistic date or do you expect it to be returned sooner or later than the 31st. Your best guess would be helpful to our planning process.

Thank you.

Kevin C. Murphy
The Wladis Law Firm, P.C.
P.O. Box 245, Syracuse, NY 13214
6312 Fly Road, East Syracuse, NY 13057

P 315/445-1700
F 315/251-1073
kmurphy@wladislawfirm.com

Circular 230 Notice: To insure compliance with requirements imposed by the Internal Revenue Service under Circular 230, we inform you that any United States tax advice included in this communication is not intended or written to be used, and cannot be used, for the purpose of: (1) avoiding federal tax-related penalties, or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

CONFIDENTIALITY NOTICE: This e-mail transmission (including any attachment) is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this e-mail or any attachment is strictly prohibited. If you have received this transmission in error, please immediately notify the sender by return e-mail and delete all copies of this e-mail and any attachment.

From: Ludmer, Margo [mailto:ludmer.margo@epa.gov]
Sent: Thursday, July 07, 2016 9:53 AM
To: Kevin Murphy
Subject: RE: LLC AOC [ES-LEGAL.FID1587432] -- Timing of Final AOC Execution

Kevin,

Can EPA still expect to receive signature pages from the seven PRPs by July 15th? It is my understanding that the County voted to participate on July 5th. Has the Town held its vote? If not, for when is the Town vote scheduled?

Thank you in advance for the update.

Regards,
Margo

Margo B. Ludmer
Assistant Regional Counsel
U.S. EPA
Office of Regional Counsel, Region 2
NY/Caribbean Superfund Branch
(212) 637-3187

From: Kevin Murphy [<mailto:KMurphy@WladisLawFirm.com>]
Sent: Saturday, June 25, 2016 11:43 AM
To: Ludmer, Margo <ludmer.margo@epa.gov>
Subject: RE: LLC AOC [ES-LEGAL.FID1587432] -- Timing of Final AOC Execution

The County is still scheduled to vote on July 5th. The Town date has been pushed back but is still scheduled to be prior to the deadline agreed upon earlier.

– KCM

From: Ludmer, Margo [<mailto:ludmer.margo@epa.gov>]
Sent: Thursday, June 23, 2016 2:28 PM
To: Kevin Murphy
Subject: RE: LLC AOC [ES-LEGAL.FID1587432] -- Timing of Final AOC Execution

Kevin,

Has it been determined whether the Town of Salina and Onondaga County will be voting on the AOC on July 5th?

Please let me know.

Many thanks,

Margo B. Ludmer
Assistant Regional Counsel
U.S. EPA
Office of Regional Counsel, Region 2
NY/Caribbean Superfund Branch
(212) 637-3187

From: Kevin Murphy [<mailto:KMurphy@WladisLawFirm.com>]
Sent: Friday, May 27, 2016 3:09 PM
To: Ludmer, Margo <ludmer.margo@epa.gov>
Cc: David W. Nunn <dwnunn@eastmansmith.com>; Doyle, James <Doyle.James@epa.gov>
Subject: RE: LLC AOC [ES-LEGAL.FID1587432] -- Timing of Final AOC Execution

Margo:

Regarding the proposed July 15, 2016 date for the PRPs to provide to USEPA all executed signature pages: first, the PRPs have expressed a very strong internal preference not to release any one signature page until all signatures pages are received and can be provided at one time.

With respect to the Town of Salina, the Town only meets two days per month to go over the regular business of the Town. The proposed AOC, along with the PRPs' cost assessment, will be officially presented to the Town Board on June 13th. They will need several weeks to deliberate on the proposed settlement, as well as receive input from the Town's comptroller on the Town's financial capability to meet the cost assessments. Given those requirements and the intervening July 4th holiday weekend, the Town Board will likely consider the proposal and take a vote at its July 5th meeting, but may have to push it out even further.

Regarding Onondaga County, the required procedure is to request in month #1 that an item be placed on the Legislature's agenda in month #2. In month #2 the item must be presented to each of the Legislature's Committees that has jurisdiction over the issue in question. Assuming the matter passes through committee, it can be brought to the full Legislature for a vote in month #3. We commenced the described process earlier this month and the AOC is on the agenda. Committee meetings are scheduled for June and a vote likely will take place on July 5, 2016, but that is not a certainty. Please note, the AOC was previously placed on the agenda and has had to be withdrawn. I also must point out that if a final AOC with full USEPA sign-off is not available for review by the Committees, the Committees very well may hold the issue until a final fully-approved AOC is available for review and discussion. Any delay at the Committee phase will likely result in an additional month of time to process the AOC through the approval process. Technically, the draft provided earlier this month was required to be a final, fully-approved AOC to even get on the agenda.

Lastly, the issue of a non-final and non-fully-USEPA-approved draft is an issue for all parties. Virtually every PRP's protocol to secure signatures is to have a final executable copy with no possibility of any changes.

Time between the 5th and 15th of July is needed because there is no guarantee the Town or the County will hold a vote on July 5, and if for some reason not all the PRPs elect to participate, the participating PRPs may need to address internal issues before releasing the signature pages.

I trust the above will satisfy your request for more detail. If this is something we need to discuss, please do not hesitate to propose a call with me and David Nunn.

Kevin C. Murphy
The Wladis Law Firm, P.C.
P.O. Box 245, Syracuse, NY 13214
6312 Fly Road, East Syracuse, NY 13057

P 315/445-1700
F 315/251-1073
kmurphy@wladislawfirm.com



Circular 230 Notice: To insure compliance with requirements imposed by the Internal Revenue Service under Circular 230, we inform you that any United States tax advice included in this communication is not intended or written to be used, and cannot be used, for the purpose of: (1) avoiding federal tax-related penalties, or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

CONFIDENTIALITY NOTICE: This e-mail transmission (including any attachment) is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the

intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this e-mail or any attachment is strictly prohibited. If you have received this transmission in error, please immediately notify the sender by return e-mail and delete all copies of this e-mail and any attachment.

From: Ludmer, Margo [<mailto:ludmer.margo@epa.gov>]
Sent: Monday, May 23, 2016 2:58 PM
To: Kevin Murphy
Cc: David W. Nunn; Doyle, James
Subject: RE: LLC AOC [ES-LEGAL.FID1587432]

Kevin,

EPA finds the PRPs' requested edits to the Lower Ley Creek RD AOC to be acceptable. Please find attached an updated copy of the order, which may be forwarded to the entire PRP group. In addition to accepting the changes proposed by the PRPs, EPA updated the caption of the AOC so as to mirror the captions of other recent Region 2 orders. Please note that the AOC is subject to further government review as it is still making its way through EPA's internal review process.

We are comfortable with your proposal to designate an internal escrow agent to deliver the full set of executed PRP signature pages to EPA after all such signature pages have been secured. However, EPA requests that the signature pages be delivered to the agency no later than June 30, 2016. We recognize that the PRPs are constrained by their respective internal review and approval procedures. If EPA's request cannot be accommodated, please provide specifics as to why more time is needed.

Many thanks,
Margo

Margo B. Ludmer
Assistant Regional Counsel
U.S. EPA
Office of Regional Counsel, Region 2
NY/Caribbean Superfund Branch
(212) 637-3187

From: Kevin Murphy [<mailto:KMurphy@WladisLawFirm.com>]
Sent: Friday, May 13, 2016 4:23 PM
To: Ludmer, Margo <ludmer.margo@epa.gov>
Cc: David W. Nunn <dwnunn@eastmansmith.com>; Doyle, James <Doyle.James@epa.gov>
Subject: RE: LLC AOC [ES-LEGAL.FID1587432]

Margo:

The PRP Group has reviewed both the execution draft of the proposed AOC and the accompanying SOW. There are no requested or suggested changes to the SOW.

I have attached a redline of the draft AOC, which shows the PRPs requested edits. The redline includes an explanatory note for each request or category of request. In sum, the requests fall into the following categories: the correct legal name for the Respondents; the deletion of East Plaza, LLC from the list of Respondents; a proposed cut and paste from the definition section of the AOC to ¶12 for the purpose of keeping the subject wording identical; the deletion of any reference to the no longer applicable defined terms "RD Costs" (¶65) or "Future RD Response Costs" (¶93), and one or two typo-like corrections.

On receipt of a final execution copy from you, David and I will forward the proposed AOC to each of the PRPs for distribution, review, and execution by the respective clients. If acceptable to EPA, we propose that the PRPs designate an internal escrow agent who will secure copies of the executed

AOC from each of the PRPs and on receipt of a full set of signatures, release and deliver a full set of executed signature pages to the Agency.

As you might expect, each of the clients has its own required internal review and approval process and the government PRPs are each required to follow well-established docketing, legislative review, public notice and public comment requirements before voting to approve entry into and execution of the AOC on behalf of each respective government. Given the applicable rules and notice requirements, the full set of executed agreements should be available for delivery to EPA no later than Friday, July 15, 2016.

The PRPs have already discussed post-execution timing issues and remain confident that with the timely submission, approval and turnaround of SOW submissions Arcadis will in the field this season.

Kevin C. Murphy
The Wladis Law Firm, P.C.
P.O. Box 245, Syracuse, NY 13214
6312 Fly Road, East Syracuse, NY 13057

P 315/445-1700
F 315/251-1073
kmurphy@wladislawfirm.com



Circular 230 Notice: To insure compliance with requirements imposed by the Internal Revenue Service under Circular 230, we inform you that any United States tax advice included in this communication is not intended or written to be used, and cannot be used, for the purpose of: (1) avoiding federal tax-related penalties, or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

CONFIDENTIALITY NOTICE: This e-mail transmission (including any attachment) is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this e-mail or any attachment is strictly prohibited. If you have received this transmission in error, please immediately notify the sender by return e-mail and delete all copies of this e-mail and any attachment.